

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 412 be amended to read as follows:

- 1       Page 3, after line 23, begin a new paragraph and insert:
- 2       "SECTION 3. IC 36-2-7-10.1, AS AMENDED BY P.L.171-2006,
- 3       SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4       UPON PASSAGE]: Sec. 10.1. (a) As used in this section, "bulk form"
- 5       means:
- 6           (1) a copy of all recorded documents received by the county
- 7           recorder for recording in a calendar day, week, month, or year;
- 8           (2) the indices for finding, retrieving, and viewing all recorded
- 9           documents received by the county recorder for recording in a
- 10          calendar day, week, month, or year; or
- 11          (3) both subdivisions (1) and (2).
- 12       (b) As used in this section, "bulk user" means an individual, a
- 13       corporation, a partnership, a limited liability company, or an
- 14       unincorporated association that purchases bulk form copies. However,
- 15       "bulk user" does not include an individual, a corporation, a partnership,
- 16       a limited liability company, or an unincorporated association whose
- 17       primary purpose is to resell public records.
- 18       (c) As used in this section, "copy" means:
- 19           (1) duplicating electronically stored data onto a disk, tape, drum,
- 20           or any other medium of electronic data storage; or
- 21           (2) reproducing on microfilm.
- 22       (d) As used in this section, "indices" means all of the indexing
- 23       information used by the county recorder for finding, retrieving, and
- 24       viewing a recorded document.
- 25       (e) As used in this section, "recorded document" means a writing,
- 26       a paper, a document, a plat, a map, a survey, or anything else received
- 27       at any time for recording or filing in the public records maintained by
- 28       the county recorder.
- 29       (f) The county recorder shall collect the fees prescribed by this
- 30       section for the sale of recorded documents in bulk form copies to bulk
- 31       users of public records. The county recorder shall pay the fees into the

1 county treasury at the end of each calendar month. The fees prescribed  
 2 and collected under this section supersede all other fees for bulk form  
 3 copies required by law to be charged for services rendered by the  
 4 county recorder to bulk users.

5 (g) Except as provided by subsection (h), the county recorder shall  
 6 charge bulk users the following for bulk form copies:

7 (1) Five cents (\$0.05) per page for a recorded document,  
 8 including the index of the instrument number or book and page,  
 9 or both, for retrieving the recorded document.

10 (2) Five cents (\$0.05) per recorded document for a copy of the  
 11 other indices used by the county recorder for finding, retrieving,  
 12 and viewing a recorded document.

13 (h) As used in this subsection, "actual cost" does not include labor  
 14 costs or overhead costs. The county recorder may charge a fee that  
 15 exceeds the amount established by subsection (g) if the actual cost of  
 16 providing the bulk form copies exceeds the amount established by  
 17 subsection (g). However, the total amount charged for the bulk form  
 18 copies may not exceed the actual cost plus one cent (\$0.01) of  
 19 providing the bulk form copies.

20 (i) The county recorder shall provide bulk users with bulk form  
 21 copies in the format or medium in which the county recorder maintains  
 22 the recorded documents and indices. If the county recorder maintains  
 23 the recorded documents and indices in more than one (1) format or  
 24 medium, the bulk user may select the format or medium in which the  
 25 bulk user shall receive the bulk form copies. If the county recorder  
 26 maintains the recorded documents and indices for finding, retrieving,  
 27 and viewing the recorded documents in an electronic or a digitized  
 28 format, a reasonable effort shall be made to provide the bulk user with  
 29 bulk form copies in a standard, generally acceptable, readable format.  
 30 Upon request of the bulk user, the county recorder shall provide the  
 31 bulk form copies to the bulk user within a reasonable time after the  
 32 recorder's archival process is completed and bulk form copies become  
 33 available in the office of the county recorder.

34 (j) Bulk form copies under this section may be used:

35 (1) in the ordinary course of the business of the bulk user; and

36 (2) by customers of the bulk user.

37 The bulk user may charge its customers a fee for using the bulk form  
 38 copies obtained by the bulk user. However, bulk form copies obtained  
 39 by a bulk user under this section may not be resold.

40 (k) All revenue generated by the county recorder under this section  
 41 shall be deposited in the recorder's record perpetuation fund and used  
 42 by the recorder in accordance with section ~~10(c)~~ 10(d) of this chapter.

43 (l) This section does not apply to enhanced access under  
 44 IC 5-14-3-3.

45 SECTION 4. IC 36-2-11-15, AS AMENDED BY P.L.171-2006,  
 46 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 47 UPON PASSAGE]: Sec. 15. (a) This section does not apply to:

- 1 (1) an instrument executed before July 1, 1959, or recorded before
  - 2 July 26, 1967;
  - 3 (2) a judgment, order, or writ of a court;
  - 4 (3) a will or death certificate;
  - 5 (4) an instrument executed or acknowledged outside Indiana; or
  - 6 (5) a federal lien on real property or a federal tax lien on personal
  - 7 property, as described in section 25 of this chapter.
  - 8 (b) The recorder may receive for record or filing an instrument that
  - 9 conveys, creates, encumbers, assigns, or otherwise disposes of an
  - 10 interest in or lien on property only if:
  - 11 (1) the name of the person and governmental agency, if any, that
  - 12 prepared the instrument is printed, typewritten, stamped, or
  - 13 signed in a legible manner at the conclusion of the instrument;
  - 14 and
  - 15 (2) all Social Security numbers in the document are redacted,
  - 16 unless required by law.
  - 17 (c) An instrument complies with subsection (b)(1) if it contains a
  - 18 statement in the following form: "This instrument was prepared by
  - 19 (name).".
  - 20 (d) An instrument complies with subsection (b)(2) if it contains a
  - 21 statement in the following form **at the conclusion of the instrument**
  - 22 **and below the statement required by subsection (b)(1):** "I affirm,
  - 23 under the penalties for perjury, that I have taken reasonable care to
  - 24 redact each Social Security number in this document, unless required
  - 25 by law (name).
  - 26 **SECTION 5. An emergency is declared for this act."**
  - 27 Renumber all SECTIONS consecutively.
- (Reference is to SB 412 as printed February 9, 2007.)

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Senator HERSHMAN